Supreme Court, U.S.
FILED

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NO. _____

IN THE

Supreme Court of the United States

OCTOBER TERM, 1996

BRO. ZACHARY J. GUILLORY, SR.
Petitioner,

v.

JESSIE REEVES, PRESIDENT - LOCAL UNION 24 I.L.A.
THE PRESIDENT AND OFFICERS OF I.L.A. LOCAL
NO. 24, THE PRESIDENT AND OFFICERS OF
THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,
AFL-CIO, NEW YORK, N.Y., AND THE PRESIDENT AND OFFICER
OF TEH I.L.A. DISTRICT OFFICE OF GALVESTON, TEXAS
Respondents

Petition For A Writ Of Certiorari To The United States Court of Appeals for the Fifth Circuit

---

PETITION FOR WRIT OF CERTIORARI

ZACHARY J. GUILLORY, SR.
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Houston, Texas 77063
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Pro Se

COPY

Questions Presented

1. Whether, (a) the question of Statute of Limitations is a question of Constitutional Law or (b) is it that of Judicial decree; or (c) is it base upon statutory law only, or, (d) is it all the above; and since, most importantly, and particularly, when the issues of the statute of limitations involves matters of a labor unions employees wages, benefits, benefits which are not wages, such as vacations' benefits, and retirements benefits and written or unwritten contracts of labor and other forms of unions benefits, like rights of beneficiaries of employees whom are covered under this same type labor unions written contracts, inter alia??

2. Whether the Indiana Statute of 20 years is the controlling doctrine of labor unions written contracts (Indiana Statute Sec. 2-601 and 2-602 (1965) Supp.) again this statute, and is that governing doctrine, the controlling doctrine of all labor unions written and unwritten contracts, (especially when it is the one with the longest statutory period?)

3. Whether the president of this union, local 24 I.L.A. and the International Longshoremen's Association's President, have a right to order the exercise of a secondary boycott--and undertake to coerce a member to participate in it--when he knows it to be unlawful, and when the member--refuses to participate and because he too, knows-it's unlawful, and when especially this President undertakes to punish this member for refusing to participate?

4. Whether a member whom has petitioned his government for a redress of his grievances--holds his rights in seniority on his job-while he is prosecuting his lawsuit-as with this petitioner--meaning petitioner Guillory-filed this lawsuit-when petitioner returns to his job-from this prosecution of this "Lawsuit"---will Bro. Zachary J. Guillory, Sr. will have continued growing in seniority?

5. Whether it's each respective lawsuit, resting on its own merits, which of constitutes, is it, Constitutional, Statutory or Judicial decree which legally control's, the law on Statutes of Limitations?

Parties to the Proceeding

The Caption of the case contains the names of all the parties to the proceeding. And also, there is no parent or subsidiary company which to be listed pursuant to Supreme Court R. 29. 6.

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II. This panel of three Circuit Judges of Honorable Davis, Smith and Duhe's Court further ordered that it's opinion should not be published and is not precedent except under limited circumstances, set forth in The Fifth Circuit (App. 14). Rule 47. 5. 4. (Local Rule). And at this time upon petitioner's double checking with the Fifth Circuit's Library-which asserted that The Fifth Circuit did not report it; Appeal No. 96-20378, at all. (Lady's-Library-Peggy 7-17-97).

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PETITION FOR A WRIT OF CERTIORARI

Bro. Zachary J. Guillory, Sr. a member in good-standing of The I.L.A. and an individual, (Pro Se) respectfully petition for A Writ of Certiorari to review The Judgments of The United States Court of Appeals for The Fifth Circuit.

OPINIONS BELOW

The opinion of Court of Appeals is not reported at: Not published. Pursuant to Fifth Circuit Rule 47.5. see exception Rule 47.5.4 the opinion and order of The Court was not reported Fifth Circuit Rule 47.5.4. and also the opinion of The United States District Court was not published! App. 9a, 10a

STATEMENT OF JURISDICTION

The judgment of The Court of Appeals was entered on 10 March, 1997, and petition for rehearing was never filed, and/or suggestion for a rehearing either was never filed, that is correct; no request of any sort was ever made to The Court of Appeals for the Fifth Circuit about any rehearing in this cause-The petition for Writ of Certiorari was filed under normal filing circumstance-and there was not any need for this petitioner to file and request an extension-and so, also, The Supreme Court of The United States has Jurisdiction under 29 U.S.C. sec. 185 (c). App. 9a, 10a

CONSTITUTIONAL PROVISIONS AND JUDICIAL DECREES AND STATUTES

1. The first amendment to The United States Constitution provides guarantees of speech, press, and assembly; and that petitioner has a right to petition his government for a redress of his grievances; The Fifth Amendment of The United States Constitution, has the prohibition against deprivation of live, liberty and due process of law, 6th Amendment's right to counsel, right for one to be its own counsel; and there are those provisions in on of the 14th Amendment which makes the 1st and 5th Amendments applicable to the States; and, also, equal protection and due process of law are guaranteed by the 14th Amendment; and the prohibition in the 13th Amendment against slavery and involuntary servitude. There are also, strikes, boycotts, and picketing and Constitu-

tional issue which presents an extremely important constitutional question of law, is that of Statute of Limitations which's resolved of October term 1966 383 U.S. 696, Workers Union of America v. Hoosier Cardinal Corp. 383 U.S. 696. Those are issues of Constitutional questions of law-guaranteed and protected by The First, Fifth and Fourteenth Amendment's of The United States Constitution. App. 1-6, 15a

2. The Statutory requirements to mete-out jurisdiction is intertwined into The Court's Jurisdiction/Labor-Matters of 29 U.S.C. section 185 (c) and first the Congressional Acts Labor Management Reporting and Disclosure Act (LMRDA); The National Labor Relations act-(NLRA) and the Labor Management reporting and Disclosure Act of 1969 (Landrum-Griffin Act) et al also Acts and more Judicial decrees, which are also applicable in this order of constitution, treaties and laws of labor if any, of treaties-to wit. And of the United States, and The Labor Management Relations Act (LMRA), App. 1-6, 15a

STATEMENT OF THE CASE

1. (a) Petitioner Guillory is an individual, and a member of local 24 and a member in goodstanding of the I.L.A. He is a longshoreman for 42 years, an officer of two I.L.A. Local Nos. 1409 and 872, both of the I.L.A., and Local 24 also and Local 24 was the result of a merger of 872 and then 1273 both locals of The International Longshoremen's Association whom were ordered, by The Federal Court, to merge; This took place some time during the year 1982. Petitioner was elected contract committee member up until 1989, which included member of 872 ILA's board of Directors, Executive Board Member, Contract Committee, 1st Vice President-and traveled all over with his family mostly too little without, to indicate. Ran for The President of The ILA, District Office-held in San Francisco, Cal., in July of 1970. App. 1-6

(b) In March, of 1993, Then President Mr. Leroy Bruner undertook to enforce a secondary boycott picket-line-duty-refused by Guillory and he charged these false allegations pursuant to section 8 a provision in The Constitution of the I.L.A.. Suit was filed on 25 March, 1993 in State District Court No. 190th Judicial District on April 15, 1993, the defense lawyer Mr. Eric N. Nelson, moved this case to Federal Court, Cause H-

93-1099-which was State Cause No. 93-15455. Cause No. H-93-1099 was set for Rule 16 conference 27 August, 1993, petitioner filed motion to dismiss without prejudice, Federal District Judge granted motion, case was dismissed. (I.e. Fed. Dist. Judge Ewing Werlin, Jr. United States District Judge.) App. 1-6

(c) And when 24 March 1995, Petitioner filed a second lawsuit in United States District Court-against those same defendants-on date of filing this cause (second lawsuit) No. H-95-CV-899 was set for Rule 16 Conference for 21 August, 1995 before United States District Judge Vanessa D. Gilmore, while attending Rule 16 Conference apprised petitioner and respondents case had been assigned to United States Magistrate, inter alia. And it would be there for about two weeks-it took almost one year thereof. This case was returned from the Magistrate with Recommendations and Findings and Orders to dismiss each almost if not indeed all, and ultimately Petitioner's entire case was, indeed Ordered dismissed--The Magistrate Orders, Findings, Recommendations and Memorandum on 24 January, 1996, submitted to United States District Judge Vanessa D. Gilmore, and they were adopted (inter alia) when, on 13 March, 1996, and Final Judgment was rendered on 13 March, 1996. Appeal taken on 12 April, 1996. Court United States District Court dismissed lawsuit holding of its being time-barred, H-96-20378, Appeal taken on 12 April, 1996, (as said supra) dismissed 10 March, 1997--because Fifth App. 1-6 Circuit determined it to be time-barred-same findings of United States District Court rendered, inter alia. The Honorable Fifth Circuit after a per curiam of the record District Court, of its opinion-was correct.

(d) Subsequently, almost for (2) Two years, later, petitioner's tried and tried, numerous times, to contact Mr. Leroy Bruner, then president, of ILA Local 24, for the purposes of resolving our differences--inter alia. Mostly tried to settle this case-but this attempt was just not going any place--that it when petitioner's decided on a second lawsuit, must, for all purposes, be filed and on 24 March, 1995, this Civil Action No. H-95-CV-899 was brought in Federal District Court. At this filing date a Rule 16 conference date was scheduled for 21 August, 1995; for 1:30 and 2:30 p.m. before Honorable Vanessa D. Gilmore United States District Judge. App. 1-6

2. At this Rule 15 Conference The Honorable Court, the Honorable United States District Judge notified the parties this Case No. H-95-CV-0899 had been assigned to The Honorable Mary Milloy, United States Magistrate Judge, for review; and, it would be back in about two (2) weeks. Petitioner, in the original action, sought a Temporary Retraining Order against The Respondents I.L.A. i.e., (as said supra, inter alia) in The State Action, the State Court Judge, Honorable O'Neill of The 190th Judicial District Court, granted Petitioner/Plaintiff's a Temporary Restraining Order. For the reason of Removal of this State Court Action to Federal Court this Temporary Restraining Order had been left in effect-and for all purposes the only way this defense could get an immediate and apparent relief of this action-was to move to Federal Court; because, the whole city, knew of all the violence at this ILA Union Hall. And there was no other way! Petitioner thinks! To get quasi relief, inter alia, from this Court Order, which they really did not get-It's only, they pulled one, over the members eyes. App. 1-6

3. (a) Petitioner Guillory is (T)he Petitioner whom filed a proper cause of action, first in State Court, (as said supra) in which a temporary restraining order had been granted against those defendants by State District Judge O'Neil of the 190th State District Court in state Cause No. 93-15455-named Mr. Leroy Bruner then President, of Local 24, ILA, and, others, of The ILA jointly and severally, which properly enjoin them from No. 1, conducting an assessment the enforcement of alleged fines of which he sued to remove by addressing his government by getting a temporary restraining order lodged against those defendants and restrained them from placing those unlawful-and could not and did not apply and could not be enforced, and The Honorable Court placed a Temporary Restraining (Injunction) Order against, inter alia, this ILA until this case was removed to The Federal Courts.

(b) It is hereby noticed, that Local 24 of the I.L.A. making one, (Responsibly), pursuant to the I.L.A.'s Constitution of New York, New York, was the chance (intended for them to make it impossible for one to make an appeal, petitioner believes, this to be very much their ploy, based upon petitioner's Exhibit "A" submitted with or in and with petitioner's original pleading as part of the alleged violation section 8 of the Constitution of The I.L.A. of N.Y. New York; for one to have to put up a defense,

on its behalf--without a lawyer; of which only one or maybe two longshoreman in that entire local, Local 24, could afford to get, his own lawyer. O.R. Whitefield, (a member also) did get his own lawyer and beat them, in this same type abusive situation. And not anyone else! App. 1-6

REASON FOR GRANTING THE PETITION

(The legal reason, validity, and most of all, it's significance): Why did petitioner filed-this lawsuit-un-behalf of himself)? Originally this suit was filed on 25 March, 1993, in State District Judge O'Neil's Harris, Texas 190th State Judicial District Court, and on 15 April, 1993 State Cause No. 93-15455 in which State District Judge O'Neil granted a temporary order against then President Leroy Bruner and the ILA and this temporary restraining order was in effect from sometime right after petitioner filed his action (which was signed by Judge O'Neil on 31 March, 1993, set for hearing 12 April, 1993-for 9:00 a.m., at the downtown Courthouse building--The defense felt-best not to show up for hearing.) On the date of Removal, which was, 15 April, 1993. Removed by defendants' Lawyers Mr. Eric H. Nelson, of Houston, Texas; (In USDC No. H-93-CV-1099) Mr. Jim Watson, Jr. District ILA's Lawyer join later. App. 1-6

The original petition (in the present suit) was filed in United States' District Court for The Southern District of Texas Houston Division on 24 March, 1995 by this petitioner Zachary J. Guillory, Sr., immediately this cause was set for a Rule 16 Conference; set to and held on 21 August, 1995; (As Petitioner said many times supra, inter alia) in the District Court of The United States, Presiding was The Honorable United States District Judge Vanessa D. Gilmore, in this Southern District, Houston Division. This Conference was scheduled and held on this 21st day of August, 1995, at or between 1:30 and 4:30 p.m.. The District Court dismissed petitioner Guillory's Default judgment but this judgment She's never finalized, The District Court Judgement i.e.,. Petitioner had filed against the defendants' I.L.A. Local 24 and I.L.A. of N.Y. New York, for failing to answer Summons and Complaint, and Local, 24 of The ILA for never answering summons. (However, what made it so bad The District of the ILA answered both summons and complaint for itself only.) (Judgment to dismiss-Court Holding Cause Barred by Statute of Limitations, Notice of Appeal, filed 12 April, 1996, in The United States Court of Appeals for

The Fifth Circuit.) And The Court told Guillory petitioner herein: "When your case is dismissed you appeal it to me, within ten days." This order of dismissal, apparently, no final judgment was ever entered, thereon. Petitioner's never served any final judgment. Petitioner's next to see the Order was when he filed appeal-he had-a-produced a docket sheet-it was on there-but not final. Again, never finalized. App. 1-6

The issues involved in this Case are of such extreme significance that such presents a substantial question of Constitutional Law and about which it affects a large segment of this industry, around this ever growing Houston Ship-Channel, in which private industry is engaged in daily competition with each other, (Petitioner thinks further reason for the Supreme Court to grant Writ of Certiorari). Respondents ILA, Local 24, and then President Leroy Bruner, Individually, and The International Longshoremen's Association's President, Mr. Johnny Bowers, and others named in this civil action, known as, (Respondents presently, appellees on appeal, and in The Courts below) engaged in secondary boycott, allegedly because of Non-Union Employers; one ILA President's even published a letter supporting this secondary boycott publicly, i.e., and i.e., Mr. Benny Holland, ILA District's President. The Honorable Court see subchpt. IV, Subsec. 185, sec. IV of Original pleadings, also, Court see 1947 ch. 120. Title III, sec. 301 type lawsuits; when violence of individual members disrupts the status quo; see 303 LMRDA, et al 29 U.S.C. sec. 185 (3) et seq., See pleadings same sec. IV court see Petitioner/ Plaintiff's affidavit No. 1 thru 5; under V. of Pleadings an act in violation of subchpt. IV, subsect. 187 (a) and (b) et seq., also, see sects. VI, VII, VIII, and IX and sec. XI thru XVI of Pleadings. Plus, Affidavit, sections 1 thru 5, submitted with pleadings. App. 5a to 8a

And furthermore, and more good reasons to grant writ, will The Court please examine petitioner's powerful brief applications of and about the law hereon, produced to The Honorable United States Fifth Circuit Court; for which petitioner's petition for Writ of Certiorari, is being filed hereon, and this is being done strictly, on the law of Statute of Limitations, but, unfortunately upon which The Honorable United States Court of Appeals for The Fifth Circuit has committed the same error of law, and dismissed it also--based upon The Statuted of Limitations, it was time barred. Court declared. App. 7-11 8a to 9a

And too, further reasons, Yes, dismissed and affirmed by The Honorable United States Court of Appeals, in error of law. And also in Constitutional violations of law, also an extremely important constitutional question of law,; in The First Amendment, Redress of Grievances, and, in The Fifth Amendment due process of law; and in the Fourteenth Amendment, due process of law and equal protection of the law.

Those proceedings, first brought by petitioner in Federal Court, but for, (in this original case No. 93-15455, on 25 March, 1993, 190th State Judicial District Court removed to Federal Court;) (and on 15 April, 1993, Apr 29a this case was removed to Federal Court by the defense) by this time Plaintiff and presently Petitioner, and in the United States District Court, and where this action was dismissed, after this case had been assigned to The Magistrate for almost one year, after it'd been filed, (in fact lacking just a few days of being a year, and since it had first been filed). The Magistrate returned petitioner's case to The United States District Court. (With Recommendations and Findings) and to dismiss it, by Order, in Memorandum; This lawsuit is a type 301 sect. of LMRA and this the type lawsuit's filed pursuant to the following congressional acts, under which, numerously, many other kinds, of Labor Actions were filed concerned with the same extremely important Constitutional Question of Law, with regards to Statute of Limitations. And for wages, and for number of men in gangs, and for supplemental wages, and for vacation benefits, and for retirement benefits, and for seniority rights; et al-rights under a written contractual agreement; from which Unions contracting employers and for which Union employees, as was done of this petitioner Zachary J. Guillory, Sr. whom had been addressing a right of a redress of his grievances, through the Courts. First Amendments right, The exercise of such rights cannot be denied, such as the First Amendment's Right to redress of his grievances, whether granted pursuant to statute or judicial decree; those cases are as follows: United Auto Workers Union of America v. Hoosier Cardinal Corp. 383 U.S. 696; Textile Workers v. Lincoln Mills, 353 U.S. 448, 456, 457; Smith v. Evening News, 371 U.S. 195; Ind. Stat. Ann. Sec. 2-601 and 2-602 (1965 Supp.) 183; in which The Court of Appeals for The Seventh Circuit affirmed and in which it held the Indiana Statute does apply to such a Hybrid action and its six-year statute of limitations governing contracts not in writing--Honorable Supreme Court of the United States granted Certiorari, 382 U.S. 808; sec. 301 LMRA, 1947

entitles this case of reduction of wages, etc.,: Guillory petitioner herein's contract is in writing. Again, under Smith_v. Evening New Assn., 371 U.S. 195, 198, The "Statement" The timeliness of a suit under sec. 301, type lawsuit, to recover wages or vacation pay. There being no governing Federal Provision, is to be determined, as a matter of Federal Law; by reference to the appropriate state statute of limitations. Petitioner Guillory means the Indiana Statute of Limitations, which is 20 years, for a written contract. Court see Burnett v. New York Central Ry. Co. 380 U.S. 424; Retail Clerk v. Lion Dry Goods, 369 U.S. 17; Certiorari granted, to The Fifth Circuit, Local Unions Nos. 128 and 633 v. Lion Dry Good, Inc. et al., by The Honorable Supreme Court of The United States. The Court remanded this case back to the District Court for Trail. App. 7-11

Notwithstanding The United States District Court for the Southern District of Texas dismissed petitioner's Lawsuit because, The Court said, "it is time barred by the six months, repeat, six months statute of limitations-District Court Action No. H-95-CV-899; The Honorable Court of Appeals, in conflicts with other Courts of Appeals holdings after and it dismissed petitioner's appeal per curiam. To wit, a brief per curiam of the record, this was a three Judge Panel, Davis, Smith, and Duhe, Circuit Judges. And petitioner believes reason for The Honorable Supreme Court to grant a Writ of Certiorari. And prays The Court there's good reason hereof. App. 7-11

And The Court concluded further: "And we are of the opinion that the District Court was correct in holding that this action is time-barred"--The Honorable Court of Appeals further determined "that it's opinion, in this case, should not be published and it is not a precedent." Petitioner's last checked-Peggy_The Lady-in The Fifth Circuit Library (not the Librarian however) for about 30 minutes holding-on-long distance-She did not find cause No. 96-20378. court of Appeals did not publish-Call date 7-16-97 at or about 1:35 of 1:37 p.m. call made to the No. 504-589-6514-5th Circuit New Orleans, Louisiana, (Peggy) girl on phone. Her response, "It has not been published but, be sure and check the Blue-Book-for the correct cite." Petitioner did check-and he did not find it-it isn't published or it wasn't' published as Court Ordered. Court Rule, 5th Cir. R. 47.5.4 (A Local Rule). Date of Judgment's United States Court of Appeals, filed March 10, 1997, Cause No. 96-20378, Charles R. Fulbruge III Clerk, Appeal from The United States District Court for the Southern District of

Texas (H-95-CV-899) "Before Davis, Smith, and Duhe, Circuit Judges. Per Curiam:" Answer. "It's unanimous." (Peggy-again). they are the panel of Circuit Judges-How they voted unanimous. 7 to 11

"We have read the briefs and pertinent portions of the record and are of the opinion that the District Court was correct in holding that this action is time-barred. The Judgment of dismissal, accordingly, is affirmed". 7-11

1. • Pursuant to 5th Cir. R. 47.5. The Court has determined and that this opinion would not be published and is not precedent except under the limited circumstance set forth in 5th Cir. R. 47.5.4. 10a to 11a

And also, The Court of Appeals in Memorandum of March 10, 1997, The Court Directed therein: "The Judgment entered provides that appellant pay to Appellee the cost of Appeal." And it is signed by Mr. Charles R. Fulbruge III's Deputy Clerk, Ms. Ronda Flowers, did the signing thereof, and not Mr. Fulbruge, Clerk. In Appeal No. 96-20378. Thus ends reasons, good reason-sound and truthful reason: For the Honorable Supreme Court to Grant petitioner a Writ of Certiorari. of all App 7a to 11a

PETITIONER'S TEXT-BOOK & VERSION OF AMERICAN LAW AND PROCEDURE-LASALLE UNIVERSITY LAW

To the Honorable Supreme Court of The United States, Petitioner submits a statement to The Supreme Court which he has taken out of his text-book Vol. V, of LaSalle Extension University School of Law-an correspondence School of Law, Chicago, Ill. A.L. & P., Lesson Six "Extraordinary-Remedies"; Pp-40/55 and 40/56 Titled The West Virginia Supreme Court gave a summary of when the Writ of Certiorari will be used: The use of the Writ of Certiorari is now pretty well understood and its limits well defined, though the practice is not the same in all Jurisdictions. It is generally used in such cases as might otherwise, without its intervention, leave the party remediless. It is considered as an extraordinary remedy resorted to for the purpose of supply a defect of Justice in cases obviously entitled to redress and yet unprovided for in the ordinary form of proceeding. Even in cases where the law has provided a remedy by Writ of Error or Appeal, this Writ may, under special circumstances, be invoked, as, for

instance, if by the Act of The Court, either oppressively or erroneously, The Writ of Error on Appeal is refused, or if by the Act of The Clerk, negligently or willfully cause, The Writ of Error was defeated; or if by the contrivance or procurement of the adverse party, the same result is effected, or, even, if by inevitable accident, or the misfortune without blame of the party injured, he has been prevented from having the benefit of a second investigation of the facts of the cause, by the prescribe mode of a Writ of Error or Appeal-Certiorari may be resorted to as a substitute for redress." This is what petitioner is petitioning The Supreme Court of The United States for, a Writ of Certiorari, to substitute for redress,...and this is petitioner's prayer to This Honorable Supreme Court of The United States. App. 24a to 25a

So, Therefore, the picketing or secondary boycott which The Union's engaged in and the Union's Officers attempted coercive measures to try and get petitioner Guillory to participate in, was criminal, because it was unlawful, and with violence, blood-was being-shedded, the one who caused some of the most serious acts of violence "No" physical violence, is now, the second Vice President -of this Union. App. 25a

The wages were reduced for the wrong reason, which was to run the older longshoreman off the Waterfront; petitioner believes, reducing gang-sizes-was for the same reasons, run the older longshoreman off the waterfront; petitioner thinks, done for specific political gains, which was to hold Union Office. As its president, by that same individual only, well he did, for 12 or 14 years, he was the Unions only President. Subsequent to the merger, until now-this year 1997. Guillory, petitioner herein, will return to his job on the waterfront; with the help of the Court and the will of God for all purposes, as soon as this lawsuit will have been concluded and/or sufficiently meted out or simply settled; if not, he will operate his big eighteen wheeler, yes, which he is, at this writing, undertaking and preparing to "Now" put it on the road; because petitioner must work, this is his working body, must work; it is his life style, to do so; and he is starting back on his-own-by running his big-big-Truck--It is ready to run, the road. It's presently parked in his driveway and running. Petitioner Guillory is in it, each and everyday! Thus, is the truthful conclusion of a truthful statement of this petitioner Guillory's statement of his case: Yes, will do physical work, yes, this body must work, for another ten or fifteen years; inter alia. App. 25a

And, Now, Further on Appeal-The Fifth-Circuit Ordered Petitioner Guillory to letter brief Cause No. 96-20378 of Appeal, before the Fifth Circuit, Petitioner complied fully, with this Order; As he has done with all other directives, if any, rendered by The Fifth Circuit in this case on appeal. This was Ordered done 14 Jan., 1997. Letter briefing was completed and filed 23 January, 1997; Respondents were required to file a reply letter brief-they did do so. The Honorable Court of Appeals for The Fifth Circuit treated petitioner Guillory, otherwise, like Guillory was a member of its Royal Family-like a member-even after judgment--it has however; that Honorable Court, in this case, has committed-with uncontroverted evidence--before it--an error of an extremely constitutional question of law; and in that it's in conflicts with rules of The Supreme Court of The United States, in that Rule 10, .1. (a), (b) and (c), which is depriving petitioner of his rights guaranteed to him by the first, fifth, seventh, tenth, and the fourteenth amendments of United States Constitution. App. 25a to 26a

The Supreme Court of The United States has Jurisdiction pursuant to 29 U.S.C. Subchpt.-185(c) and the following entitled congressional Acts et seq., and also set by all of the cases cited in this section; First the Congressional Acts set forth Supra; and they are as follow acts in addition thereto upon This Court's Jurisdiction herein--to wit. Labor Management Relations Act, and, Labor Management Reporting and Disclosure Act, and, The National Labor Relations Act; The Labor Management Reporting and Disclosure Act of 1959, (Landrum-Griffin Act) Those acts are addressed herein as to further define, apply, and review The Honorable Court's Jurisdiction hereof and as with respect that "question", "Jurisdiction"; Certiorari: however, does not lie merely to determine whether the subject matter acted upon was entirely outside The Jurisdiction of the inferior tribunal, as, for instance, whether a justice of the peace had attempted to try a man for murder. App. 26a

See State v. Moniteau County Court 45 Mo. App. 387. Textbook Lasalle Extension University-Law School-Vol.IX, Sec. 28, A.L. & P. The text, P-232. Same Book, sec. 27, "The Writ of Certiorari has sometimes been termed a writ of review." Like Prohibition, and unlike Mandamus, it lies to Courts of inferior jurisdiction or to persons exercising judicial or quasi-judicial functions. Unlike prohibition, however, it is not a preventative but a corrective measure. Prohibition lies to prevent further usurpa-

tion of authority, certiorari issues as a rule only after final judgment. In State v. Moniteau County Court Supra The Court held that this requirement was one going to the jurisdiction of The Court and might be reviewed by certiorari. The Court said: "The true function of this common law Writ is generally to prevent inferior tribunals, where there is no appeal or Writ of Error, from exceeding their jurisdiction; but it is not confined to cases where there is an entire want of jurisdiction, it can be resorted to where having jurisdiction, The Tribunal makes an order exceeding its powers", as to review questions of law whether going to the jurisdiction, or not, where neither appeal nor writ of error would lie. Thus, in Farmington Water Power Company v. County Commissioners, 112 Mass. 206. Court said, The Court is bound to determine, upon inspection of the whole record whether the proceeding are illegal or erroneous, (A Writ of Certiorari Lie only to Correct Errors of Law.) Not to review decisions of fact upon evidence introduced at hearing in inferior Courts. App. 26a

Upon The Honorable Supreme Court of the United States: The record on file, The Court will find that the United States District Court and also, The United States Court Of Appeals have committed an error of Law and, therein, there is an extremely important Constitutional question of law, which petitioner determined to be not only that The Honorable Supreme Court of The United States has jurisdiction and authority to review, and, jurisdiction to hear the subject matter of this labor dispute, involving, secondary boycott; and which it involves, an extremely important constitutional question of law; vis, reducing wages; reducing vacation pay; reducing gang sizes; reducing supplemental checks; The President having to carry a gun-to feel safe, at work, or any place else; (there just had to be an extreme measure of damages, or of violence apparent.) After he'd lied to his members for him to get re-elected. This all happened! When The United States' District Court took and dismissed (The Court took the recommendations of Magistrate Judge Mary Milloy's Memorandums and Recommendations (Judge Gilmore-District-Judge) adapted it and dismissed petitioners case) (Sic) has deprived this petitioner of his Constitutional Rights when The Honorable Court dismissed his Lawsuit- and therefore when The Honorable United States Court of Appeals affirmed that Order in a per curiam-Judgment and Order, and dismissed petitioner's lawsuit-The Courts' deprived petitioner of his rights pursuant to The First Amendment right in and for redress of his griev-

ances; and, by The Courts below not allowing petitioner the opportunity to get his grievances adjudicated on the merits, or, to wit, redressed. This is a Constitutional guarantee, which is guaranteed by the First, redress, Fifth, due process, Seventh, the jury trial is preserved and protected, Tenth, powers not delegated to United States Government by the Constitution are reserved to The States or left to the people; Fourteenth, due process and equal protection under the law, are amendments of the United States Constitution; When The Courts rendered those judgments: To dismiss (meaning to adopt memo) and to dismiss-District Court, and to affirm and dismiss Court of Appeals; and which involved an extremely important constitutional question of law, inter alia. App. 27a

And The Court of Appeals affirming The District Court's holding in that the Court of Appeals; in this holding, it is in conflict with the decisions of This, The Supreme Court of The United States and of Rule of The Supreme Court of The United States, Rule 10, .1. (a), (b) and (c) and in that, it also is in conflicts of other Courts of Appeals holdings and, in this, it conflicts with that of The Supreme Court of The United States, determined so, in the following cases: October term 1964, Burnett v. New York Central Railroad Co. 380 U.S. 424; The exercise of such Constitutional rights denied a citizen shouldn't be, whether it be granted pursuant to statute or judicial decree, so declared our Supreme Court. Petitioner, submitted this evidence or information to The Fifth Circuit, in his original brief, et al later. In Retail Clerk v. Lion (Evidence or information, i.e..,) Dry Goods, 369 U.S. 17. Retail Clerks Int'l Assn. Local Unions Nos. 128 and 633 v. Lion Dry Goods, Inc. et al (The Supreme Court of The United States remanded-a per curiam opinion rendered in this case supra immediately cited. Petitioner also submitted this judicial decree, in the same brief. October term, 1965, statute of limitation, 383 U.S. 696 United Auto-Workers Union of America v. Hoosier Cardinal Corp. 383 U.S. 696 (1966), United States Court of Appeals for The Seventh Circuit. Also submitted to The United States Court of Appeals for The Fifth Circuit, in this petitioner's brief. Same brief. Will this Court please, review, the West Virginia Supreme Court, gave a summary on the use of writ of The Writ of Certiorari-i.e., when it will be used. Of petitioner herein, many, many more solid cases were submitted and resubmitted, and resubmitted. On the law. Not in conflicts of Law. App. 28a

The secondary boycott or secondary picketing was anything but peaceful, and not unattended by violence, violence, acts of violence, were their primary goal; this was the scheme of things; threats of violence was all one could hear around local 24's hiring hall; and as for the pickets, those signs, those signs, spoke no truth; because respondent's did not invite them to speak the truth and the signs did not comply with the provisions of the statutes of the State of Texas, which were enacted to regulate picketing; and also, the signs did not mete out to The Federal Statutes either. Ex Parte Henry, 215 S.W.2d 588 (S.Ct. of Texas) (1948). Construction and General Labor Union, Local No. 668, et al v. Stephenson, 225, S.W.2d 958 (S.Ct. of Texas) (1950); Carlson v. State of California, 310 U.S. 106, 60 S.Ct. 746, (1940); Thornhill v. State of Alabama, 310 U.S. 88, 60 S.Ct. 736 (1940). App. 28a

The Constitutional issue which presents an extremely important constitutional question of law, is the one statute of limitations; which the respondents say: "It is time barred" and The Courts below agreed with that error, of law; which is an extremely important Constitutional Question of Law (petitioner repeats this term, indeed) This argument on misrepresentation of issues must be made clear: The District Court accepted this false notion of time barred, from the brilliant Labor Lawyers of the defense, when this lawsuit was first filed, by petitioner on 25 March, 1993-In State Court, Cause No. 93-15455; subsequent to removal to Federal Court-In the responses to pleadings, this all started-The District Court, petitioner restates: The District Court took this position from the pleadings of the respondents in response to petitioner Guillory's original petition, respondents responded by respondents lawyers; this is when this notion was first invoked by The Honorable Court, that erroneous notion, on the law of statute of limitations. Petitioner Guillory's pleadings upon this type sec. 301, type litigation is an extremely important constitutional question of law, upon and about statute of limitations but also, about a written contract; regarding wages, benefits of various and numerous kinds, like vacation benefits and many others, petitioner's referred to supra namely. App. 29a

And, wherefore, also, The Courts below's sanctioning of this and other false notions pled by this defense, which occasioned The Courts to be in conflicts with The Supreme Court of The United States which petitioner will better address and define for The Court in that and in which

The Court below are now in conflicts with other Courts of Appeals holdings. Which are now stated as follows; The Court see citations are found on page 26, 27, 28, 30 and 31. And those are of Petitioner/Appellant's original brief. Burnett v. New York Central Railroad Co. 380 U.S. 424, Certiorari granted to The Court of Appeals for this Six Circuit-Congress recognized that the filing of a lawsuit "itself" Shows proper diligence on the part of the petitioner. Statute of Limitations-Statutes were intended to insure that, and notwithstanding and too, they assured other good reasons for their enactment: (Court see 28 U.S.C. sec. 1406 (a)) (which is a tolling transfer Federal Statute.) Petitioner Guillory said to The Honorable Court of Appeals respecting the defense's interest in the proprieties of the defense's interest in statute of limitations -and in its validity-meaning which side was interest in telling the truth-only petitioner, is the answer: Correct answer i.e., one example: Petitioner Guillory said to The Court of Appeals-for The Fifth Circuit-In his brief. "Your Honor-but more than anything the Respondents/Appellees want The Petitioner/Appellant to be penalized twice, by time consuming and justice defeating technicalities;" This is, exactly what are their purposes, The ILA's stalling tactics; they call that winning Petitioner/Appellant. The Court see Goldlawr, Inc. v. Heiman, 369 U.S. 463, 467., The Statute of Limitations not done in good faith, or, in the interest of Justice-(sic) it would be rather for terminating rights without a hearing on the merits. See for example: Gold v. Griffith 190 F.Supp. 482, (D.C.N.D. Ind.); Dennis v. Galvansek, 171 F. Supp. 115 (D.C.M.C. PA) Schultz v. McAfee 160 F.Supp. 210 (D.C.N.D. ME). With respect to states with transferring statutes, thirty-one states have transfer of venue statutes which appear to be relevant to this case's statute of limitations issue-App. 29a

And it is an extremely important constitutional question of law. Petitioner Guillory thinks, the West Virginia Supreme Court's writings, gives a summary of when the "Writ of Certiorari", "This 2nd writing of petitioner's text-book)" may under special circumstances be invoked as, for instance, if, by the act of The Court either oppressively or erroneously, The Writ of Error on Appeal is refused, of if by act of The Clerk, negligently or willfully caused, the writ of error was defeated or if by the contrivance or procurement of the adverse party, the same result is effected, or, even by inevitable accident, or the misfortune without blame of the party injured, he has been prevented from having the benefit of a second investigation of the facts of the cause, by the prescribed made of a writ of

error or appeal, certiorari may be resorted to as a substitute for "redress." This is what petitioner is petitioning The Honorable Supreme Court of the United States for, "A Writ of Certiorari to substitute for redress. That is his prayer to This Honorable Supreme Court of The United States, to wit. App. 29

THE SUPREME COURT OF THE UNITED STATES AND OF THE WRIT OF CERTIORARI

Some jurisdiction allows certiorari "To review questions of law." The Supreme Court of The United States often utilizes Certiorari to review questions of law. By granting Certiorari, The Supreme Court corrects and "make certain" the law for the lower tribunals, who are then advised by The Supreme Court of The United States as to what the law is and how it should be applied. Lesson six Pp-40/55 and 40/56 A.L. & P. LaSalle extension University Law-School-a Correspondence Institution (Petitioner Zachary J. Guillory, Sr. was a student starting back on May 27, 1964.) App. 24a to 25a

To the present too. 417 South Dearborn Street Chicago, Ill. Vol. V. of Little Yellow Book of Law. In that too petitioner Guillory's students study of the law. App. 24a to 25a

Now, determination of tolling another relevant issue in this petitioner's petition for a Writ of Certiorari, There are Thirty-One States with saving Statutes which appears to be relevant, 20 States allows one year, Six States with six months. Louisiana is the only state with complete tolling; Texas has the shortest tolling statutory period, which is 60 days. The Court see Herb v. Pitcarirn, 325 US. 77 at 79; the Court said: "Nonetheless, for reasons set out below, we hold that the underlying reason for This Court's decisions in Herb v. Pitcarirn, supra, lead to the conclusion that petitioner's state court action tolled the Federal limitations provision and therefore petitioner's Federal Court action here was timely". The extremely important constitutional question of law, is in determining, whether The Statute of Limitations is to be tolled or whether such right must be enforced after-after the prescribed time. Court see Midstate Horticultural Co. v. Pennsylvania Rd. Co., 320 U.S. 356, 360. (this and the following are found on Pp-27 and 28 of petitioner's brief-to The Fifth Circuit. This division (meaning this classification) of such provision is a "substantive"

instead of "procedural" and does not determine whether or under what circumstances the limitations may be extended. As The Court has expressly held and in The Federal Liability Act. (FELA) Limitation period is not totally inflexible. Court see Glus v. Brooklyn Eastern Terminal, 359 U.S. 231, Court see also, Osbourne v. United States, 164 F.2d 767 (C.A. 2d Cir.) Scarborough v. Atlantic Coast Line R. Co., 178 f.2d 253 (C.A. 4th Cir.); Frabutt v. New York, C & St. L.R. Co., 84 F.Supp. 460 (D.C.W.D. PA.). These Authorities extremely important Constitutional question of law of inquiry, whether Congressional purpose is effectuated by tolling The Statute of Limitations in given circumstances petitioner Guillory believes, this is precisely what Congress intended. App. 29a, 30a, to 31a and also 32a

CONCLUSION

Wherefore, Petitioner pro se prays This Honorable Supreme Court of the United States grants this petitioner's petition for a Writ of Certiorari to review The Judgment of The Courts below, in that of The United States Court of Appeals for The Fifth Circuit, sitting at New Orleans, Louisiana, affirmed an The Court Dismissed petitioner's lawsuit and thereafter This Supreme Court grants Writ of Certiorari, in this Cause of Action, in which suit had originally been filed, In the 190th State Judicial District Court, Cause No. 93-15455 and TRO granted and in The United States District Court (up in upon removal by the defense lawyers) The Southern District of Texas, Houston App. 1a to 6a Division, and sitting at Houston, Texas in which petitioner's Civil Action was dismissed-that is when petitioner gave notice of appeal-appeal was taken hereon. And, this is when, after final judgment of dismissal--petitioner Guillory's filed petition for Writ of Certiorari; and petitioner prays This Court reverse judgments of The Court's below--which has heretofore been, in this case, as to be in all things-vacated and set a-side, petitioner prays to This Honorable Court, The Supreme Court of The United States, of things and held for naught, surely it appears hereof, indeed; and for such other and further relief herein which appears proper to This Court in the premised, thereof. 5a to 7a

Respectfully Submitted,

Bro. Zachary J. Guillory, Sr.
9410 Meadowbriar Lane
Houston, Texas 77063
713/952-0974
Petitioner Pro Se

APPENDIX

(ORDERED NOT REPORTED)
(PURSUANT TO FIFTH CIRCUIT R. 47.5.4)
FOR PUBLICATION (FOR PUBLISHED) (NAUGHT)
FOR PUBLICATION
NAUGHT
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

BRO. ZACHARY J. GUILLORY, SR.	§	
	§	
PLAINTIFF/APPELLANT	§	
	§	NO. 96-20378
V.	§	D.C. NO. H-95-CV-899
	§	
JESSIE REEVES, PRESIDENT-	§	OPINION
LOCAL 24 ILA., THE PRESIDENT	§	
AND THE OFFICERS OF ILA	§	
LOCAL NO. 24, THE PRESIDENT	§	
AND OFFICERS OF THE INTER-	§	
NATIONAL LONGSHOREMEN'S	§	
ASSOCIATION, AFL-CIO NEW	§	
YORK, N.Y. AND THE PRESIDENT	§	
AND OFFICERS OF THE ILA	§	
DISTRICT OFFICE OF	§	
GALVESTON, TEXAS	§	
	§	
DEFENDANTS/APPELLEES	§	

Honorable Supreme Court will notice this is the caption of the case, and date of entry, 12 April, 1996, of Notice of Appeal.

Bro. Zachary J. Guillory, Sr.	§	
An Individual and a member	§	No. 96-20-378
in good-standing of the I.L.A.	§	
	§	D.C. No. CV-95-899
Plaintiff/Appellant	§	
	§	
v.	§	
	§	
I.L.A.'s President of Local 24	§	
Mr. Leroy Brunner, Individually	§	
and in his capacity as President	§	
But For, Now, President Mr. Jessie	§	
Reeves, individually, in his capacity	§	
is I.L.A. 24's President-Mr. Johnny	§	
Bowers Individually in his capacity	§	
President, I.L.A.-AFL-CIO of and	§	
New York, N.Y. INT'L President, q.v.	§	
	§	
Defendants/Appellees	§	

Before: Judges of the United States District Court for the Southern District of Texas Houston Division; Honorable United States District Judge Vanessa D. Gilmore, and, Honorable United States, Magistrate Judge Mary Milloy - Judge's submissions and of law's entry date 24 January, 1996, Judge Gilmore's adoption and final Judgment entries, were one, 13 day of March, 1996, and final Judgment entry 13 day of March, 1996. q.v.,. USDC NO. 95-0899--

Appeals from The United States District Court
(Judges presiding United States District Judge Vanessa D. Gilmore
and United States Magistrate Judge Mary Milloy)
for The Southern District of Texas
Jerry E. Smith, Ordering Judge-Presiding

Appeal filed 12 April, 1996 USDC-H-95-0899

Oral Argument set for 5 March,
1997, and Canceled on 25 Feb., 1997
by Panel, Pursuant to FRAP 34(a)

(Appeal NO. 96-20378)

Appeal filed 12 April, 1996

(Appeal NO. 96-20378)

These are the Circuit Judges taking part in the case

Appeal NO. 96-20378
Before: Judges of the 5th Circuit
Panel, W. Eugene Davis, John M. Duhe, Jr. and
Ordering Judge Jerry E. Smith-Presiding-Circuit Judges
Opinion-No Dissent Unanimous

In Appeal NO. 96-20378
Entered 10 March, 1997

COUNSEL

Bro. Zachary J. Guillory, Sr.
Plaintiff/Appellant, Pro Se, or,
Attorney Pro Se, Individually, or,
Pro Se Party, Individually

Mr. James R. Watson, Esq.
General Counsel, Dist. ILA.,
Defendants

Mr. Eric H. Nelson, Esq.
General Counsel, Local 24 ILA.,
Defendants, and,

Mr. Ernest L. Matthew, Esq.
General Counsel, INT'L
Longshoremen's Association, I.L.A. AFLI-CIO
New York, N.Y.

OPINION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED
MAR 13 1996
Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRO ZACK J. GULLORY, SR.,	§	
	§	
Plaintiff,	§	
	§	
versus	§	CIVIL ACTION
	§	NO. H-95-0899
I.L.A. LOCAL NO. 24, ET AL.	§	
	§	
Defendants.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION

The Court has reviewed the Memorandum and Recommendation (Instrument No. 29) signed by Magistrate Judge Mary Milloy on January 24, 1996, regarding Instrument Nos. 8, 9 and 10. Plaintiff timely filed objections. The Court has reviewed the Memorandum and Recommendation and objections and made a de novo review of the Magistrate Judge's recommendated dispositions to which objections were raised, Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *McLeod, Alexander, Powel & Apffel P.C. v. Quarles*, 925 F.2d 853, 855 (5th Cir. 1991)., and after consideration of the applicable law, is of the opinion that said Memorandum and Recommendation should be adopted by this Court. It is therefore

ORDERED, ADJUDGED and DECREED that United States Magistrate Judge Milloy's Memorandum and Recommendation is hereby adopted by this Court.

The Clerk shall enter this Order and provide all parties with a true copy.

SIGNED this 12th day of March, 1996.

/s/VANESSA D. GILMORE
VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED
MAR 13 1996
Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRO ZACK J. GULLORY, SR.,	§	
	§	
Plaintiff,	§	
	§	
versus	§	**CIVIL ACTION**
	§	**NO. H-95-0899**
I.L.A. LOCAL NO. 24, ET AL.	§	
	§	
Defendants.	§	

FINAL JUDGMENT

For the reasons stated in the Magistrate's Judge Mary Milloy's Memorandum and Recommendation which was adopted by this Court by Order signed on March 12, 1996, this action is dismissed.

THIS IS A FINAL JUDGMENT.

The Clerk will enter this Order and provide all parties with a true copy.

SIGNED this 12th day of March, 1996.

/s/VANESSA D. GILMORE
VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE

In Appeal NO. 96-20378
Jerry E. Smith (Ordering Judge) Circuit Judge, Presiding

Before W. Eugene Davis, John M. Duhe, Jr.,
and Jerry E. Smith, Circuit Judges

Appeal from United States District Court for The Southern District
of Texas Houston Division-USDC-H-95-0899

Appeal NO. 96-20378, on 10 March, 1997, order entered thereon;
Court of Appeals 5th Circuit's Opinion

U.S. COURT OF APPEALS
FILED MAR 10 1997
CHARLES R. FULBRUGE III
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20378

ZACK J. GUILLORY, SR.,

Plaintiff-Appellant,

VERSUS

I L A LOCAL NO. 24, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
(H-95-CV-899)

Before DAVIS, SMITH, and DUHÉ, Circuit Judges.

Per Curiam:*

We have read the briefs and pertinent portions of the record and are of the opinion that the District Court was correct in holding that this action is time-barred. The judgment of dismissal, accordingly, is AFFIRMED.

---

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

I

Plaintiff/Appellant is a longshoreman in Houston, Texas, a native of Louisiana, been in Texas, since he was 22 years old, married, Ex-Officer of the I.L.A. Union, a Catholic - A former Alter-boy, from age 8 to age 16, (and we have 19 Grand-Children-18 white's - and one black!) gotten married at nineteen, raised seven-kids. Two of them-boys-became Policemen-all lives but-one-in Texas, Zack Jr. lives in Monroe, La. Police-Officer. Believes in God; and believes very dearly in America-finally does love to work-very much: normally and individual studied for Junior Bar and Senior Bar and could not afford to take either-too poor-was too poor i.e., * Pursuant to 5th Cir. R. 47.5., The Court has determined that this opinion should not be published except for the limited circumstances set forth in 5th Cir. R. 47.5.4.!

Order entered on 10 March, 1997-Appeal No. 96-20378. Court of Appeals United States Fifth Circuit----------

(PETITIONER'S STATE OF HIS-HISTORY. SHORT AND SWEET)

Plaintiff is quite religious when, systematically, someone undertakes to violate his rights-and if that was not so this petitioner would've died at the hands of the powerful Peoples of America. Petitioner just to continue and remain a free American-just had-a-put-up-a white man's powerful-defense-and, The Question of His, American Race, is an extremely important question-and the issue-and, that is, what finally saved him, from destruction. Petitioner's racial make-up-is his greatest undertaking and also his greatest prayer. So, petitioner must be a believer, religiously-in America-in its Constitution's, in its Treaties and in it's government; most impo;tantly--And forever, sure--in its' laws-labor laws notwithstanding. Fighting back or just religiously pleading to The United States Courts-History shows-petitioner Guillory's had to get relief from The Federal Courts-All his American life.

The good people hear in The Federal District Courts (all of the peoples, i.e., are good people in The Federal Courts) Act toward-this petitioner-as if though something on the scene is of a terrible, terrible, circumlocutiously, like sort--of undertaking not sure that-they let-but Guillory-knows-this in terms, they, those good and powerful Americans, feel, very uncomfortable-when this petitioner approach them for relief, at any time! To petitioner, this' only determines-you are good people-too-Guillory and you can never/stop trying-never, never! "A former alter-boy is still trying to prove he's good people too"! And always, he will continue to do so. And he al[illegible]s had to do it, even when he was with mother and daddy--He never succeeded, there either, to do so--So why stop any place? So one must go on trying, never cease to do so. Always! And? God Bless America, The Greatest Land of Liberty!

II

"This, The Court of Appeals for The Fifth Circuit's further Orders, that, Pursuant to 5th Cir. R. 47.5. The Court has determined that this Opinion should not be published and is not Precedent except under the Limited Circumstances set forth in The 5th Cir. R. 47.5.4. Order entered on 10 March, 1997, in Appeal NO. 96-20378."

On April 1, 1997, No. 96-20378 Guillory v. ILA Local No. 24, USDC NO. H-95-CV-899: A letter copy to Mr. Michael N. Milby, Clerk, Southern District Houston Division Petitioner Guillory received from 5th Circuit.

One part of this letter said, "Enclosed, for the District Court only, is a certified copy of the Judgment issued as the Mandate. Enclosed, for The District Court only, is a copy of The Court's Opinion."

Record/Original Paper/Exhibits are returned:

(2) Volumes ( ) Envelopes ( ) Boxes

Sincerely,
Charles R. Fulbruge, III,
Clerk
By:_____
Amanda Sutton, Deputy Clerk

/van
cc: (letter only)
Hon: Vanessa D. Gilmore
Mr. Zack J. Guillory, Sr.
Mr. Eric H. Nelson
Mr. Ernest L. Mathew Jr.
Mr. James R. Watson, Jr.

This suit was filed on 25 March, 1993, In The State's District Court of Harris County, Texas 190th Judicial District Court, Cause No. 93-15455, This suit was filed; Courtroom Located at **301 Fannin,** Rm. 102 (Civil Courts Building) Houston, Texas 12 April, 1993, hearing is set for 9:00 o'clock a.m. The purpose of said hearing is to determine and resolute whether, during the pendency of this case: 1. The preceding Temporary Restraining Order should be made a Temporary Injunction pending Final Hearing hereon. 2. The Court should make such other and further Orders respecting the parties as pleaded for or as may be deemed necessary and equitable.

Signed this 31st day of March, 1993.

By:_____
Judge Presiding

District Judge, O'Neil, Presiding Order issued when on 12 April, 1993, this defense had failed to show at hearing set 12 April, 1993, filed a removal on 15 April, 93, and moved to Federal Court and on 27 August, 1993, Federal Judge and United States District Judge Ewing Werlein, Jr. in Cause H-93-CV-1099 dismissed on plaintiff's motion.

Signed at Houston, Texas this 27th day of August, 1993.

B.

When on 18 May, 1993, In Cause No. 93-2404 in The United States Court of Appeals for the Fifth Circuit-Petitioner Guillory file Appeal to The Fifth Circuit in respect of Two Orders of Rule 16 Conference: i/e., Orders Nos. 5 and 8. (i.e., specific rules of Court) Southern District when on 8 July, 1993 petitioner received a Court Order-Notice from Circuit Judges Reavley, Barksdale and King-declaring case had been dismissed because The Court Orders appeal from were not a final Order, Cause Number No. 93-2404-Bro. Zack J. Guillory, Sr, v. ILA Local No. 24, et al. No. 93-H-1099 Also, Clerk said I return Your brief-unfiled-your brief had been forwarded to this office too late; on 9 July, 1993, from The District Court one day late, and after entry of this Court's Order dismissing the appeal, Court Clerk's returning them, to wit.

Very Truely Yours,
Richard E. Windhorst, Jr.
Clerk

By:_____
Mam Beth Kenney, Case Manager

MKS:lmc
cc: Mr. Eric H. Nelson
Mr. James R. Watson, Jr.

In Civil Action No. H-93-1099

United States District Court Southern District of Texas entered August 30, 1993 by Deputy Clerk B. Jarmon Civil Action No. H-93-1099, Final Judgment, to wit, rendered 30 August, 1993-
---ORDER OF DISMISSAL.

At a rule 16 Conference on August 27, 1993, Plaintiff requested that this cause of action be dismissed without prejudice. Defendants had no objection. Accordingly, The Court Orders that this case be Dismissed without prejudice.

The Clerk will enter this Order and send copies to all Counsel of Record.

Signed at Houston, Texas, this 27th day of August, 1993.

_____

Honorable Ewing Werlein, Jr.
United Stated District Judge

The Judges taking part in this case are: Honorable United States District Judge Vanessa D. Gilmore and Honorable United States Magistrate Judge Mary Milloy.

In Civil Action No. H-95-0899-Judge Mary Milloy an United States Magistrate, submitted Her findings to United States District Judge Honorable Vanessa D. Gilmore on 24 January of 1996; of Judge Mary Milloy, United States Magistrate Judge, from Her Memorandum and Recommendations; and those findings and recommended decisions were made final Judgment, are entered when filed with The Clerk by United States District Judge Vanessa D. Gilmore, entered on 13th day of March, 1996. In this Final Judgment, Honorable Judge Vanessa D. Gilmore adopted United States Magistrate Judge Mary Milloy's findings. (Memorandum and Recommendation.) Petitioner Guillory did not oppose his case being turned over to any United State's Magistrate, The Honorable Judge Milloy or anyone, in no regard! Petitioner is opposed to Her Memorandum and Her Recommendations and Find-

ings of Law and Fact; which were and still are erroneous and made contrary to law. The Judgment concluded by Honorable United States District Judge Vanessa D. Gilmore, in which She adopted The Honorable Magistrate Orders of dismissals of this Petitioners lawsuit; was in error; In judge Gilmore's Final Order She states no rule of law (Her Honor referred to no Applicable-or-Controlling doctrine i.e.,) She cited no case precedent for or against-She very easily just adopted Judge Milloy's Memorandum and Recommendations and Her findings and Conclusions of Law, pursuant to 29 U.S.C. § Sec. 636, Jurisdiction, powers and other assignments, based on Her Judgment. In Her Honor's final Order also there are no legal determinations made by The District Judge-She in essence left it all up to Judge Mary Milloy. Judge Gilmore's Final Order is short and sweet. Judge Mary Milloy's called of those conclusions of law are erroneous and contrary to law. Erroneously, incorrect, and unlawfully wrong, and that's what's wrong!

II.

ORDER On 24 January 1996, in USDC NO. H-95-0899 of Memorandum and Recommendations of Honorable United States Magistrate Judge Mary Milloy to The Honorable United States District Judge Honorable Vanessa D. Gilmore, and of this Honorable Magistrate's Findings, Orders suggested and supposed (i.e., correct rules of law) Rules of Law, The Magistrate dismissed Joinder's Pleadings, Consolidations, in Her legal determinations, inter alia, dismissed lawsuit, She done so on Statute of Limitations, based on six months,) one man's requested motion for one man's class act, dismissed adding of new parties-dismissed-Consolidation, dismissed etc., In that The Honorable Magistrate Court proceeded to address in Her Orders' wherein She referred to then Plaintiff's/now Petitioner's request to add new parties-or to include The West Gulf Maritime Association to be parties' Defendants, in this, is where, Her Honor, somehow, The Magistrate confused Her determination of whom was a party-and addressing Her directions, in that she misaddressed the wrong purpose-for this part only, done in good faith-thus could happen, to any other brilliant person, that is an honest mistake. Cause No. H-95-1700 with the named employers "West Gulf Maritime Association" and were not, in that,

She determined they were not Defendants-this She attempted to correct, but they were and are our employers-and were never Defendants. The Honorable Court said, these parties or entities -as Her Honor called it, in error, Yes, called it in error, just as Her Honor has done, in Her Findings, tries and tries over and over, again erroneously and contrary to law. And They are named Defendants in this Southern District and under Civil Action No. 95-1700 which is an error; erroneous, God help. The people, The Court, is talking about, in that they are "The Defendants" P.V. & W and this Action's against them was filed by This Petitioner/Plaintiff i.e., against the Pension and Welfare Funds and is an action in a suit to break The Trust and it has nothing to do with "The West Gulf Maritime Association" as a Joint Legal matter, inter alia. For nothing other, than to identify each to be separate entities. In the very-next issue, The Magistrate's addressed: 1. Failure to bargain in good faith, 2. Unlawful secondary boycott, 3. She incorrectly states: "Refusal to allow Guillory to gain Union Office"--which can't be found in all his reading no place, indeed, in those pleadings.

The Honorable Magistrate Court's in USDC H-95-0899 submitted on 24 January, 1996 Orders, findings Memorandum and Recommendations, were all erroneous and contrary to law and United States District Court's Order adopting of Magistrate Judge Mary Milloy's Memorandum and Recommendation, Orders, Findings of Facts, adopted inter alia, by The United States' District Judge Vanessa D. Gilmore are of those very same exact same erroneous and contrary to law's matters--those adoptions and Orders adopting United States Magistrate Judge's Orders of dismissals are all erroneous and contrary to law and have been introduced to Honorable United States District Judge Vanessa D. Gilmore by Orders of adoption made to This District Judge by United States Magistrate Judge Mary Milloy pursuant to various cases she cited as testimony to Her citing and they are as follow:

(This is the order of the United States District Court.)

The United States District Court in Cause NO. H-95-0899 erred in adopting United States Magistrate Judge Mary Milloy's findings of facts and of law submitted to the District Court on 24 January, 1996 which was issued on 24 January, 1996. And which Judge Mary Milloy made to United State's District Judge Vanessa D. Gilmore. This District Court's adoption was by Order rendered 13 March, 1996. And of final judgment 13, March, 1996. "Order adopting Magistrate Judges Memorandum and Recommendations" This Her Honor, erred by erroneously applying the rationale of 28 U.S.C. sec. 636 (b) (1) (C), and others such as McLeod, Alexander, Power & Apffel, P. C. v. Quarles, 925 F. 2d 853, 855, (5th Cir. 1991,) in which that party objected to the assignment of his case to a Magistrate; Petitioner Guillory never had any such objection--Now, then or never. Petitioner pleads The District Court, should have applied instead, The Principle United Auto Workers of America v. Hoosier Cardinal Corp. 383 U.S. 696 (1966), and deny Magistrate Judge Mary Milloy's Memorandum and Recommendations and Orders and set this Petitioner/Appellants cause for trial by jury. Because, pursuant to applicable governing authorities this sec. 301 type lawsuits, of The Labor Management Relations Act. This Case, this case cannot be time-barred by statute of limitations. The United States District Judge's adoption thereof is erroneous and contrary to law. Petitioners brief (page 5. to 5th Cir.). This is the type Civil Action that the statute of limitations could not bar---. The Six months statute cited by the Magistrate Court was just not the applicable law. Petitioner's brief (p-6 to 5th Cir.). And very-much in petitioner's original pleadings, inter alia, filed with The United States District Court Judge in support, in support of Petitioner's objections in response, to Judge Milloy's erroneous and contrary to law's Findings, Memorandum and Recommendations. The Honorable District Court turned a deaf ear--to this, all of this, supporting evidence!

With respect to The Fifth Cir. Order not to be published and has ordered this case was not to be published-1, Filed 10 March, 1997, by the United States Court of Appeals for the 5th Circuit * Pursuant to 5th Cir. R. 47. 5. The Court has determined and that this opinion should

not be published and is not precedent except under limited circumstances set forth in Fifth Cir. R. 47.5.4. Appeal NO. 96-20378 date of entry 10 March 1997.

"We have read the Briefs and pertient portions of the record and are of the opinion that the District Court was correct in holding that this action is time-barred. The Judgment of dismissal, accordingly, is affirmed". Court of Appeal No. 96-20378 date entered 10 March, 1997.

And also, The Court of Appeals in Memorandum of March 10, 1997. This Court directed that "The Judgment (Order Petitioner believes) entered provides the Appellant pay to Appellees the costs on appeal." In Appeal No.-96-20378.

DISCUSSION SUBSEQUENT

This, The Court Order of The Fifth Circuit United States Court of Appeals No. 96-20378 and the panel of Circuit Judges' Judgment thereof: With regards the Honorable United States District Court's holding, in this Petitioner's Statute of Limitations issue in USDC No. H-95-0899 The Court's, The Court's Final Judgment and its adoption Order was all about Statute of Limitations. But, why? That is the extremely important Constitutional Question of Law entered 13 day of March, 1996. However, now, there is a different question (which must be addressed by the Petitioner and it follows: On 10 March, 1997, entitled: United States Court of Appeals, for The Fifth Circuit, Office of The Clerk; Memorandum to Counsel, "The Judgment entered provides that Appellant pay to Appellees the cost of Court of Appeals "ORDER" entered 13 day of March, 1997. That Legal "ORDER" approves Petitioner's right to address its determination in the Appendix-its an ORDER. Yes, and its a means of Sanction-Undefined?? Petitioner fears or very well defined, inter alia. It may be an extremely important Constitutional Question of Law? (In that of the First, Fifth and Fourteenth Amendments),. Petitioner isn't for sure--So he has taken the liberty to request The Honorable Supreme Court of The United States to address and to review this as an Order or a part of Official Order hereof, inter

alia. And The Honorable Courts Mandates a Final-Determination about its possible affect or immediate affect it has and how it applies therein on Petitioner, inter alia. Petitioner prays The Court takes action on-it-it could become serous, indeed. Petitioner did refer to This Judgment Supra-but not to the present magnitude!!! One Justice, if possible, petitioner's prayer to The Honorable Supreme Court, however, a significant issue! May be or best should be received, by one Honorable Justice. Now, Statute of Limitations, and it's why? The prayer and request are requested without a proper motion or proposed order to the Honorable Supreme Court of The United States, Petitioners prayer, i.e.,. End of Discussion thereof.

THE QUESTION OF STATUTE OF LIMITATIONS AS A CONSTITUTIONAL QUESTION OF LAW ORDERS OF DISMISSAL

Statute of Limitations in The District Court, and The Statute of Limitations in The Court of Appeals Holdings: The question of statute of limitations in The District Court was addressed to a Federal Magistrate Judge-#1 She made or conducted no assessment of the legal differences in its application. #2 Her conclusion was very easy up to the minute Judgment--"The Law is clear "The Court said, six months "29 U.S.C. sec. 160(b)" but under which label and under which Court's rules of evidence is inapplicable; meaning Court Rules of Evidence does not apply. The NLRA. In applicable law. And this same issue is now before The Honorable United States Circuit Judges, Honorable Davis, Smith and Duhe; First, when on 14th Jan., 1997, they ordered letter briefing of The Courts Jurisdiction, which was addressed in The Pleadings, Petitioner's pleadings stated the jurisdiction in the preamble, of his original petition. And second, when 25 Feb,. 1997, The Court of Appeals determined that there was going to be no need for oral argument; promptly oral argument was cancelled. And, thirdly when on 10 March, 1997, a short and sweet, Judgment was rendered-a per curiam Judgment of the Record had been ORDERED by The Court of Appeals-The Fifth Circuit--In part, it said; we read the briefs and pertinent portions of the record and we are of the opinion the District Court was right (The Court didn't use those exact words q.v.) and your case

is time barred by Statute of Limitations---Your case is dismissed, we AFFIRM. Almost as easy as did Judge Milloy--!

I.

IN COURT OF APPEAL 5TH CIRCUIT HELD

"Panel, Circuit Judges, Davis, Smith and Duhe, held that it was of the Opinion, per curiam, that The District Court was correct in Holding in Appeal No. 96-20378 and United States District Court No. H-95-CV-899, and that petitioners action was time-barred." Judgment entered on 10 March, 1997.

II.

(Petitioner's statement of information only.)

This panel of three Circuit Judges of Honorable Davis, Smith and Duhe's Court further Ordered that its opinion should not be published and that it was not precedent except under limited circumstances, set forth in Fifth Circuit Rules R. 47.5.4. (A Local Rule), and at this time upon Petitioner's, double checking, with The 5th Circuit's Library which asserted that 5th Circuit did not report it: Appeal No.-96-20378, at all. Lady's name at Library-but not the Librarian-was Peggy date 7-17-97. This is the way it was conducted, And by petitioner's making of a phone call to the 5th Circuit on this said date.

OPINION BELOW

(Petitioner's Statement)

The Opinion of the The Court of Appeals is not reported it was not published pursuant to 5th Cir. R. 47.5. see exception, 47.5.4, the Opinion and Order of The Court of Appeals was not reported, 5th Cir. R. 47.5.4. and also The Opinion of The United States District Court was not published. This statement is made of petitioner's documented knowledge. In Appeal No. 96-20378, entered on 10 March, 1997.

Petition for rehearing "Never Filed"

The Judgment of The Court of Appeals was entered on 10 March, 1997, and petition for rehearing was never filed and/or suggestion for rehearing was never filed. The petition for a Writ of Certiorari was filed under normal filing circumstance; and also, there was not any need for this petitioner to file and request an extension, inter alia, at this time.

JURISDICTION

The Supreme Court of The United States has Jurisdiction under 29 U.S.C. sec., 185(c), hereof.

CONSTITUTIONAL PROVISIONS AND COURT ORDERS OF JUDICIAL DECREES AND STATUTES

1. The first amendment to The United States Constitution provides guarantees of speech, press and assembly; and that petitioner has a right to petition his government for a redress of his grievances; The fifth amendment of The United States Constitution, has the prohibition against deprivation of life, liberty and property without due process of law. And there are those provisions in the 14th Amendment which makes the first and fifth amendments' applicable to the states, and also, equal protection and due process of law are further guarantees of the 14th Amendment; and the prohibition in the 13th Amendment against slavery and involuntary servitude. There are also, strikes, boycotts and picketing and constitutional rights and limitations on concerted activity. The Constitutional issue which presents an extremely important Constitutional question of law, is that of Statute of Limitations, which is resolved by October term 1966 of 383 U.S. 696; and by Judicial Decree and by United Auto Workers Union of America v. Hoosier Cardinal Corp. 383 U.S. 696 (1966) those are issues of Constitutional Questions of Statute of Limitations, inter alia.

2. The Statutory issue is controlled by matters relative to 29 U.S.C. sec. 185(c) Courts jurisdiction in labor matters--and first the congressional (Acts, to wit, labor management reporting and disclosure Act of 1959) (Landrum-Griffin Act) and Judicial decrees. (His determination is what petitioner had reference to in the body of his writ-which he spoked about Supra)-(Jurisdiction's interwinded-with other laws of labor-something sorta-like-this state of being, inter alia.)

THIS PETITIONER AN INDIVIDUAL AND MEMBER ILA

1. Petitioner an individual and member Local 24 a member of the International Longshoremen's Association, AFL-CIO, of N. Y. New York, 41 years, since about one year subsequent to starting to work as a longshoreman. Petitioner was elected to office in this Union shortly after joining, the union. In the merged local, Local 24 ILA Zachary J. Guillory, Sr. and Mr. Leroy Bruner were the very first to run for President in our newly merged local union in the ILA-Guillory received 541 votes and Mr. Bruner 761 votes, he's elected President (And Guillory's the first, the first, to congradulate him-and wished him well.) And six or more times subsequent, 1997, is first time he's not the president. Mr. Jessie Reeves President in 1997. Mr. Bruner was real bad for us as president, petitioner thinks. Petitioner worked as contract committee-man under Bruner, and Bruner and Guillory removed 'em, Petitioner thinks. Remained contract-committee-man up-until Guillory-won recording secretary's position--He is gone too now. Local 872 and 1273 ILA merged in or about 1982. Had been elected member board of Directors, member executive board; member Contract Committee-Delegate to all I.L.A., Conventions, all over, in and out of This Country (for Local 872) and later Local 24-mis-making only a few. Misses voluntarily, too. Maybe two otherwise. Finally petitioner ran-for-President of The I.L.A.'s District Office in 1970, in San Francisco California.

FEDERAL AND STATE COURT ORDERS-(IN THIS CASE) DISMISSED AND UNTOUCHED-INTER ALIA

In March, of 1993, then president of local 24, of the INT'L Longshoremen's Association, AFL-CIO, New York, N.Y. Mr. Leroy Brunner, badly affected by Petitioner continually running against him; undertook to enforce a secondary boycott picketline fine duty, inter alia, this was refused by Guillory; Leroy Bruner, and some of his newly elected group, a little black-board-member named Suni Ali, et al, political un-friendlies, to wit, supported such an idea, petitioner thinks, very strongly! Mr. Bruner charged false and bad political mistakes to Guillory, by making them pursuant to section 8, eight of the I.L.A.'s constitution of New York, N.Y., suit was filed and in State 190th Judicial District, State of Texas, County of Harris, Houston Harris County, Texas, on 25 March, 1993-Case No. 93-15455 before, then State District Judge O'Neil presiding-sought a Temporary Restraining Order against The President of 24 ILA, and the I.L.A., this order was granted, on 31th day March, 1993-15 April, 1993-subsequently to the I.L.A's not appearing for hearing thereon, set for 12 April, 1993, at 9:;00 a.m. Court--House which hearing had been scheduled for 12 April, 1993 at 9:00 a.m. Down-Town Court-House--on date above indicated-Case removed to Federal Court. Otherwise Restraining Order is still in effect. Presently, Petitioner thinks, by operation of law-still in effect? In State Court! In Harris County, Texas In the State of Texas, to wit, Petitioner thinks. After moved to Federal Court, set for Rule 16 Conference, held and dismissed nothing said or done regarding-Restraining Order. 27 August, 1993, Honorable Federal District Judge Ewing Werelin, Jr. by motion of Guillory's in cause No. H-93-1099, dismissed without prejudice by that Honorable United States District Judge-The State Court untouched. Petitioner thinks.

After just about two years of waiting, Petitioner gave up, on waiting and on 24 March, 1995, he proceeded to filing another action it was filed in The United States District Court before Honorable Vanessa D. Gilmore United States District Judge, Cause No.# 95-CV-899 and at this filing date a Rule 16 Conference date was set, for 21

August, 1995, for 2:30 p.m. or thereabouts, before The Honorable Vanessa D. Gilmore, United States District Judge.

2. At this Rule 16 Conference The Honorable Court. Honorable United States District Judge announced to the parties this case No H-95-CV-899 had been assigned to The Honorable Mary Milloy United States Magistrate Judge, for review; Petitioner, in the Original Petition-sought and got an Order for a Temporary Restraining Order Granted against those responsible I.L.A., Local 24, el al, i.e., in The State Action The State Court Judge Honorable O'Neil Granted this Temporary Order in State Cause No. 93-15455 on 31 March, 1993, effective immediately (mentioned supra Now, this defense with its back against the wall, sorta speek, no way they could get this Order Reversed. It took them almost two weeks to even decide what next to do. The whole city, the whole Houston Community, had heard of this waterfront violence-the president was jumped, he must carry a gun-he did carry a gun! UP, up the ILA had decided it better go Federal-this was its only alternative. Motion, by the ILA, to move to Federal District Court 15 April, 1993, No. H-93-CV-1099-in Federal Court. Order of Conference scheduled 27 Aug., 1993. 1:30 p.m. or 2:30 p.m.? Honorable United States District Judge - Dismissed its removal Action forthwith.

   This lawsuit had been filed on March 25, 1993 in The State Court of District Judge O'Neil's Harris County, Texas 190th State Judicial District Court, in which motion for Restraining Order was Granted-This Court Order a Temporary Restraining Order was granted against respondents from those unlawful, allegations, they attempted to enforce against Petitioner by respondents, unlawfully. This Restraining Order had been signed by The 190th State District Court, on 31 March, 1993, and was in affect on 15 April 1993 when respondents lawyer Mr. Eric H. Nelson moved to Federal Court., Mr. Nelson, is a Houston Lawyer; The District's lawyer's participated in this Removal-if he did not infact order it done. Mr. James R. Watson, Jr. is a lawyer form Galveston, Texas. Upon this removal a Rule 16 Conference was set and at this Rule 16 hearing United States District Judge in Cause No. H-93-CV-1099, on 27

August, 1993. This Federal District Judge dismissed this Original suit requested by motion of Petitioner's without prejudice.

In the present lawsuit cause No. H-95-CV-0899 filed on 24 March, 1995, and in United States District Court of Honorable Vanessa D. Gilmore, United States District Judge when at Rule 16 Conference announced this case had been assigned to a Magistrate for review, and it would be there for about two weeks, at a later time, the magistrate, on 24 January, 1996-submitted Her findings, Orders Memorandum and Recommendations-to dismiss-Petitioner's lawsuit-United States District Judge Honorable Vanessa D. Gilmore's adoption was rendered by Order of 13 March, 1996. And so was final judgment, and appeal was taken on 12 April, 1996. Pursuant to 29 U.S.C. sec. 636 (b) (1) (C).

PETITIONER'S TEXT-BOOK VERSION OF AMERICAN LAW AND PROCEDURE LASALLE UNIVERSITY LAW

To The Honorable Supreme Court of The united States, Petitioner submits a statement to The Supreme Court which he has taken out of his text-book volume V, of LaSalle's Extension University School of Law-an Correspondence School of Law, Chicago, Ill. A. L. & P., lesson-Six "Extraordinary-Remedies", Pp-40/54 Certiorari 40/55 Titled The West Virginia Supreme Court gave a Summary of when The Writ of Certiorari will be used: The use of The Writ of Certiorari is now pretty well understood and its limits well defined, though the practice is not the same in all jurisdictions. It is generally used in such cases as might otherwise, without its intervention, leave the party remediless. It is considered as an extraordinary remedy resorted to for the purpose of supply a defect of justice in cases obviously entitled to redress and yet unprovided for in the ordinary form of proceeding. Even in cases where the law has provided a remedy by Writ of Error or Appeal, this Writ may, under Special Circumstances, be invoked, as, for instance, if by the act of The Court either oppressively or erroneously, The Writ of Error or Appeal is refused, or if by the act of the Clerk, negligently or willfully cause, The Writ of Error was defeated; or if by the contrivance or procurement of the adverse party, the same result is effected or, even, if by inevitable accident, or the misfortune without blame of

the party injured, he has been prevented of having the benefit of a second investigation of the fact of the cause, by the prescribed mode of Writ of Error on Appeal-Certiorari may be resorted to as a substitute for redress." This is what this Petitioner is petitioning The Supreme Court of The United States for, A Writ of Certiorari, to substitute for redress,... and this is petitioner's prayer to this Honorable, Supreme Court of The United States.

Therefore, the picketing and secondary boycott which the Union's engaged in and the Union's Officers attempted coercive measures to get Petitioner Guillory to participate in, was criminal, and unlawful. The one who participated in the most serious acts of physical violence, is now, the second Vice President - of this Union.

The wages were reduced for the wrong reason, reducing gang-sizes-was for the same wrong reason, to hold Union office. Well he did, for 12 or 14 years, he was the Unions only president. Subsequent to the merger, until now-this year 1997. Guillory will operate his big eighteen wheeler, yes, which he is, at this writing, undertaking to and preparing to "NOW" put it on the road; because Petitioner must work, this is his working body, must work; it is his life style, to do so; and he is starting back on his-own-by-big-truck. It is ready to run, the road. It's presently parked in his driveway and running. Petitioner Guillory is in it, each and every day! Thus is the truthful conclusion of a truthful statement of this Petitioner Guillory's statement of his case: Yes, will do physical work, yes, this body must work, for another ten or fifteen years.

On this Appeal-The Fifth Circuit Ordered Petitioner Guillory to letter brief Cause No. 96-20378 of Appeal, before The Fifth Circuit Petitioner complied fully, with this order; as he has done with all other directives but not another like this one, rendered by The Fifth Circuit to Petitioner in this case on Appeal. This was Ordered done 14 January, 1997. And this Order was sent to all parties not just Petitioner, letter briefing was completed and filed 23 January, 1997; respondents were required to file a reply letter brief-they did do so. (As Petitioner stated supra). The Honorable Court of Appeals for The Fifth Circuit

treated Petitioner Guillory, otherwise, like Guillory was a member of Its Royal Family-like a member even after Judgment--It has however; That Honorable Court, in this case, has committed-with uncontroverted evidence--before It--an error of law. Which is also an extremely important Constitutional question of law; and in that It's in conflicts with Rules of The Supreme Court of The United States, in that Rule 10, .1.(a), (b) and (c), and for which this kind of deprivation deprives this Petitioner of his rights, quaranteed by The United States Constitution's First, Fifth, Seventh, Tenth, and The Fourteenth Amendments.

The Supreme Court of The United States has Jurisdiction pursuant to 29 U.S.C. Subchpt. IV--Subsec. 185(c) and the following entitled Congressional Acts et seq., and also set by all the cases cited in this section: First with The Congressional Acts set forth supra; and they are as follows, acts in addition thereto upon this Court's jurisdiction herein----to wit: Labor Management Relations Act, and, Labor Management Reporting and Reporting and Disclosure Act, and The National Labor Relations Act; The Labor Management Reporting and Disclosure Act of 1959, (Landlrum-Griffin Act) Those Acts are addressed herein as to further define, apply, and review The Honorable Court's Jurisdiction hereof and as with respect to that question, "Jurisdiction"; Certiorari, however, does not lie merely to determine whether the subject matter acted upon, was entirely outside the Jurisdiction of The Courts below.

See State v. Moniteau County Court 45 Mo. App. 387. This Appendix is a part of Petitioner's Text Book LaSalle Extension University-Law School-Vol. IX, Sec. 28, A. L. & P. the text, P-232. Same Book sec. 27, "The Writ of Certiorari has sometimes been termed a Writ of Review." Like prohibition, and unlike Mandamus, it lies to Courts of Inferior Jurisdiction or to persons exercising judicial or quasi-judicial functions. Unlike prohibition, however, it is not a preventative but a corrective measure. Prohibition lies to prevent further usurpation of authority, certiorari issues as a rule only after judgment. In States v. Moniteau County Court Supra The Court held that this requirement was one going to the jurisdiction of The Court and might be reviewed by certiorari: The Court Said: "The True function of this Common

Law Writ is generally to prevent The Courts below, to and for where there is no appeal or Writ of Error, from exceeding their Jurisdiction; (Meaning keep The Court below from going beyond its powers) but it is not confined to cases where there is an entire want of jurisdiction, it can be resorted to where having jurisdiction, that Court makes an Order exceeding its powers, "(as in the way Petitioner's law instructors says it) as to review questions of law, whether going to the jurisdiction, or not, where neither appeal nor Writ of Error would lie. Thus in Farmington Water Power Company v. County Commissioners, 112 Mass. 206. This Court said, The Court is bound to determine, upon inspection of the whole record whether the proceedings are illegal or erroneous, (A Writ of Certiorari Lie only to correct errors of law, of The Courts below.)

Upon The Honorable Supreme Court of The United States', the record on file, The Court will find that the United States District Court and also, The United States Court of Appeals have committed an error of law, and, therein, there is an extremely important Constitutional Question of Law, which Petitioner determined to be not only that The Honorable Supreme Court of The United States has Jurisdiction and Authority to Review, and, Jurisdiction to hear the subject matter of this Labor dispute which presents a Constitutional Question of Law. Namely, the Reduction of Wages; reducing vacation pay; reducing gangsizes; reducing supplemental checks, and the likes; this all happened! When The United States' District Court took and dismissed (The Court took the Recommendations of Magistrate Judge Mary Milloy's Memorandum, and Recommendations She (Judge Gilmore-District-Judge) adopted (by and dismissed Petitioners case). The Court Ordered Petition's case dismissed pursuant thereof. Thus, this has deprived Petitioner of his Constitutional Rights when The Honorable Court Dismissed his lawsuit, and, in error of law. And therefore, when The Honorable United States Court of Appeals Affirmed that Order (meaning The District Courts Final Order of 13 March, 1996). In a per curiam-judgment and ordered and dismissed Petitioner's lawsuit-The Courts below deprived Petitioner of his rights pursuant to The First Amendment and, in that the right in and for redress of his grievances; and, by The Courts below not allowing Petitioner the opportunity to

get his grievances adjudicated on the Merits, or, redressed. This is a Constitutional Guarantee, which is guaranteed by The First, redress, Fifth, due process, Seventh, see's, that jury trial is preserved and protected, Tenth, powers not delegated to United States Government or the States, or left to the people; Fourteenth Amendments due process and equal protection under law, are all amendments of The Untied States Constitution; when The Courts rendered those Judgments' (meaning when Court of Appeals rendered those Orders) and when District Court's rendered its Orders (meaning to adopt memo) and to dismiss and to Affirm and Dismiss Court of Appeals, and which involved an extremely important Constitutional Question of Law. Next, when The Court of Appeals Affirming The District Court's holding in that The Court of Appeals, in this holding, it is in conflicts with the decisions of This, The Supreme Court of The United States and of Rule of The Supreme Court of The United States, Rule 10, .1.(a), (b) and, (c) and in that, it also is in conflicts of other Courts of Appeals holdings and, in that, it conflicts with that of The Supreme Court of The United States, determined so, in the following cases: October term 1964, Burnett v. New York Central Railroad Co., 380 U.S. 424; The exercise of such Constitutional Rights denied a citizen shouldn't be, whether it be granted pursuant to statute or judicial decree, so declared by our Supreme Court. Petitioner, submitted this evidence or information to The Fifth Circuit, in his original brief, et al after. In Retail Clerk v. Lion Dry Goods, 369 U.S. 17. Retail Clerks Int'l Assn. Local Unions Nos. 128 and 633 v. Lion Dry goods, Inc., et al (The Supreme Court of The United States Remanded-a per curiam opinion rendered in this case.) October term, 1965, Statute of Limitations, 383 U.S. 696, United Auto-Workers Union of America v. Hoosier Cardinal Corp. 383 U.S. 696 (1966), United States Court of Appeals for The Seventh Circuit. (See Tables of Authorities) Will This Court please, review, The West Virginia Supreme Court, gave a summary on the use of The Writ of Certiorari-i.e., when it will be used. Of Petitioner herein, many, many more solid cases were submitted and resubmitted, and resubmitted. On the law. Not in Conflicts of Law. Strikes, boycotts, and picketing and Constitutional rights and limitations of concerted activities the right to strike and sources of claimed Constitutional rights The Supreme Court has never determined whether or not there is an absolute

Constitutional Right to strike. Those sources of most frequent claim for such right are as follows:

> 1) The first Amendment quarantees of free speech, press or assembly; 2) The prohibition in the 5th Amendment against deprivation of life, liberty or property without due process of law; 3) Those provisions of the 14th Amendment which makes the 1st and 5th Amendments applicable to the states; and 4) The prohibition in the 13th Amendment against slavery and involuntary servitude.

The secondary boycott or secondary picketing was anything but peaceful, and not unattended by violence, violence, acts of violence, were their primary goal; this was the scheme of things; threats of violence was all one could hear around Local 24's hiring hall; and as for the pickets, those signs, spoke no truth; because respondents did not invite them to speak the truth and the signs did not comply with the provisions of the statutes of the State of Texas, which were enacted to regulate picketing; these were the basis under which the Honorable State District Judge granted Petitioners Temporary Restraining Order; the signs did not mete out to The Federal Statutes either. Exparte Henry, 215 S.W. 2d 959 (S. Ct. of Texas) (1950); Carlson v. State of California, 310 U.S. 106, 60 S. Ct. 746, (1940); Thornhill v. State of Alabama, 320 U.S. 88, 60 S. Ct. 736 (1940).

CONCLUSIONS OF LAW

The Constitutional issue which presents a question of law, is Statute of Limitations; and it is not time barred and The Courts below agreed with that Error of Law. (By holding it to be time barred.) This misrepresentation of questions of law issues must be made clear: The District Court accepted this Error of Law Notion of time barred, to be the whole truth told by the defense, (However, this effort was not done in good faith.) When this lawsuit was first filed, by Petitioner on 25 March, 1993; In State Court, Cause No. 93-15455; subsequently it was removed to Federal Court-In the responses to pleadings, this all started-about the law, on Statute of Limitations. When The District Court took

this position from the pleadings of the Respondents. In response to Petitioner Guillory's original petition. This is when this notion, in error of law on statute of limitations, was first invoked by The Honorable Court. The Court accepted, it appears, that notion (albeit false). This the District Court was, always aware, always aware of its falsehoods; The Court couldn't be unaware, that it was a misconception of Constitutional Law, about the Statute of Limitations. Petitioner Guillory's pleadings upon this type sec. 301, type litigation is an extremely important constitutional question of law upon and about statute of limitations; and, about a written contract; regarding wages, benefits of various and numerous kinds, like vacation benefits and many others, inter alia.

And, moreover, The Courts below's sanctioning of this and other erroneous and false notions pled by this defense, in bad faith, which occasioned The Courts to be in conflicts with The Supreme Court of The United States, Petitioner address and define for The Court in this Appendix. And in which The Courts below are now in conflicts with other Courts of Appeal's holdings, which are now stated as follows: The Court see Citations are found on pages 26, 27, 28, 30 and 31 and those are of Petitioner/Appellant's Original brief. (The Statute of Limitations issue.) (That The Courts below misconceived), Burnett v. New York Central Railroad Co. 380 U.S. 424, Certiorari Granted to The Court of Appeals for this six Circuit; Congress recognized that the filing of a lawsuit "Itself" Shows proper diligence on the part of the Petitioner-Statute of Limitations-Statutes were intended (enacted) to insure that. For their enactment (Court see 28 U.S.C. sect. 1406 (a) which is a tolling transfer Federal Statute.) Petitioner Guillory said to The Honorable Court of Appeals (For The Fifth Circuit) respecting the defenses' interest in the proprieties of the defenses' in that the bad faith interest this defense addressed on Statute of Limitations. And with respect to its truthfulness of its application in this lawsuit-and in its validity--meaning which side was interested in telling the truth. Petitioner said to The Court of Appeals-for The Fifth Circuit-In his brief, "Your Honor-but more than anything, the Respondents/Appellees want the Petitioner/Appellant to be penalized twice, by time consuming and justice defeating technicalities"; The Court see Goldlawr, Inc,.

v. Heiman; 369 U.S. 463, 467, for the Statute of Limitations. But for the defense, its not done in good faith, or, in the best interest of justice. Thus it would be rather for terminating rights without a hearing on the merits. See for example: Gold v. Griffith 190 F. Supp. 482, (D.C.N.D. Ind.); Dennis v Galvansek 171 F. Supp. 115 (D.C.M.D. Pa.) Schultz v. McAfee 160 F. Supp 210 (D.C.N.D. ME). With respect to States with transferring and Tolling Statutes, thirty-one States have transfer of Venue Statutes which appear to be relevant to this cases's Statute of Limitations issue-namely. And it is an extremely important Constitutional Question of Law. The West Virginia Supreme Court's Writings, gives a summary of when the "Writ of Certiorari" (Whence Petitioner's Text-Book) "may under special circumstances be invoked as, for instance, if by the act of The Court either oppressively or erroneously, The Writ of Error or appeal is refused, or is by act of the Clerk, negligently or willfully caused, The Writ of Error was defeated or if by the contrivance or procurement of the adverse party, the same result is effected, or even by inevitable accident, or the misfortune without blame of the party injured, he has been prevented from having the benefit of a second investigation of the facts of the cause, by the prescribed mode of a Writ of Error or Appeal, Certiorari may be resorted to as a substitute for redress'." This is what Petitioner is petitioning The Honorable Supreme Court of The United States for, "A Writ of Certiorari to substitute for redress"-That is his prayer to this Honorable Supreme Court of The United State.

THE SUPREME COURT OF THE UNITED STATES AND OF THE WRIT OF CERTIORARI

Some Jurisdiction allows Certiorari "To review questions of Law." The Supreme Court of The United States often utilizes Certiorari to review questions of law. By granting Certiorari, The Supreme Court corrects and "make certain" the law for the Courts below, who are then advised by The Supreme Court of The United States as to what the law is and how it should be applied. Lesson six Pp-40/55 and 40/56 A. L. & P. LaSalle Extension University Law-School-A Correspondence Institution (Petitioner Zachary J. Guillory, Sr. was a student starting back on May 27, 1964.) To the present too. 417 South Dearborn

Street Chicago, I11. Vol V. of Little Yellow Book of Law. In That too Petitioner Guillory's students studies of the law.

NOW, determination of Tolling, another relevant issue of law in this Petitioner's petition for a Writ of Certiorari, there are thirty-one states with saving statutes which appears to be a relevant question of law, having to do with statute of limitations, 20 states allow one year, six states with six months. Louisiana is the only state with complete Tolling; Texas has the shortest Tolling Statutory Period, 60 days. The Court see Herb v. Pitcarirn, 325 U.S. 77, 79; The Court said: "Nonetheless, for reasons set out below, we hold that the underlying reason for This Court's decision in Herb v. Pitcarirn, supra, lead to The Conclusion (of the law of statute of limitations) that Petitioner's state Court action Tolled The Federal Limitations provision and therefore Petitioner's Federal Court Action here was timely". The extremely important Constitutional Question of Law, is in determining, whether The Statute of Limitations is to be tolled or whether such right must be enforced after-after the prescribed time. Court see Midstate horticultural Co. v. Pennsylvania Rd. Co., 320 U.S. 356, 360. of such provision is a "Substantive" instead of "procedural" and does not determine whether or under what circumstance the limitations may be extended. As the Court has expressly held and in The Federal Liability Act, (FELA) Limitation period is not totally inflexible. Court see Glus v. Brooklyn Eastern Terminal, 359 U.S. 231, Court see also, Osborne v. United States, 164 F. 2d 767 (C.A. 4th Cir.); Frabutt v. New York, C & St. L. R. Co., 84 F. Supp. 460 (D.C.W.D. Pa.) These authorities indicates that the extremely important Constitutional Question of Law of inquiry is whether congressional purpose is effectuated by Tolling the Statute of Limitations in given circumstances--Petitioner Guillory believes, this is, precisely what Congress intended of its enactment of this Statute of Limitations Law. This Concludes Petitioner's Summaries, "Conclusions of Law"--On the issue which The Courts below exercised the Law of Statute of Limitations to, in Error of Law, to dismiss Petitioner's lawsuit.

Petitioner ends Conclusions of Law-Thereon: and Petitioner prays This Honorable Supreme Court of The United States Grant's Petitioner's petition for a Writ of Certiorari--Petitioner prays also, petition for Writ of Certiorari be Granted, for all purposes.

Respectfully Submitted,
Bro. Zachary J. Guillory, Sr.
9410 Meadowbriar Lane, Houston, Texas 77063
713/952-0974
Petitioner Pro Se

(ORDERED NOT REPORTED PURSUANT TO 5TH CIR. R. 47.5.4)
NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

BRO. ZACHARY J. GUILLORY, ST.	§	
PLAINTIFF/APPELLANT	§	NO. 96-20378
VS.	§	
	§	D.C. NO.
JESSIE REEVES, PRESIDENT-LOCAL	§	H-95-CV-899
24 ILA., THE PRESIDENT AND THE	§	
OFFICERS OF ILA LOCAL NO 24, THE	§	OPINION
PRESIDENT AND OFFICERS OF THE	§	
INTERNATIONAL LONGSHOREMEN'S	§	
ASSOCIATION, AFL-CIO NEW YORK,	§	
N.Y. AND THE PRESIDENT AND	§	
OFFICERS OF THE ILA DIST. OFFICE	§	
OF GALVESTON, TEXAS	§	
DEFENDANTS/APPELLEES	§	

Bro. Zachary J. Guillory, Sr. An Individual	§	
and a Member in good-standing of the I.L.A.	§	NO. 96-20378
PLAINTIFF/APPELLANT	§	
VS.	§	D.C. NO.
	§	CV-95-0899
I.L.A's President of Local 24 Mr. Leroy	§	
Brunner, Individually and in his capacity	§	
as President But For, Now, President	§	
Mr Jessie Reevis, individually, in his	§	
capacity is I.L.A. 24's President-Mr. Johnny	§	
Bowers Individually in his capacity	§	
President, I.L.A.-AFL-CIO of and	§	
New York, N.Y. INT'L President, q.v.	§	
Defendants/Appellees	§	